

Meeting of the Noise Ordinance Task Force held at 1901 S. Alamo, Room A & B WebEx was called to order at 2:05 pm by DSD Manager Michael Uresti.

Roll Call by Arturo Arredondo. Those in attendance are as follows:

Members	Non-Members
Gemma Kennedy	Danny Liguez
Sam Aguirre	Michael Shannon
John Doski	Jenny Ramirez
Dawn Larios	Ximena Copa-Wiggins
Savita Rai	Michael Uresti
David Uhler	Arturo Arredondo
Anissa Schell	Samantha Whittwier
Christina Hill	
Rene Zamora	
Steve Versteeg	
Patricia Garcia	
Colleen Waguespack	

- Mike Uresti – Good afternoon. Next on agenda is approval of minutes.
 - Minutes from Sept. 7, 2021, were approved by members.
 - Last meeting covered discussion on task force members preference to await data gathered from pilot program to decide on whether to proceed with any proposed code changes to the ordinance.
 - Jenny Ramirez will oversee the pilot program and is here to do a brief overview.
- Michael Shannon – Update from last meeting regarding question as to whether or not council would ask us to do a three- or six-month noise ordinance pilot program as part of the budget that was presented in August and passed in September.
 - Pilot program will be three months
 - Should give us a feel for the time frame and use the data for our discussions
 - As we go through pilot program, it is important to assess and track what we are doing those 3 nights a week and report back what we are learning through the pilot to this group.
- Jenny Ramirez – Overview of pilot program
 - Kicks off Oct. 7, 2021
 - Work from 8 p.m. to 3 a.m. – Thursdays, Fridays, and Saturdays
 - Choice of days based off SAPD heat maps from prior years
 - Six officers per shift
 - Pilot program cost covered with overtime funds awarded to DSD during this budget
 - Not a dedicated team; this is in addition to regular shifts

- One supervisor a month for consistency, maintaining staff safety and answering questions
- Tracking and training staff. Will have police radios assigned to monitor dispatch channel (non-emergency line). Calls will still go through SAPD non-emergency line, but will be routed to a dedicated code enforcement channel that was established during the pandemic.
- Officers will be monitoring and documenting calls. Calls will come in and will be assigned to a Code Enforcement Officer.
- Code officers will visit location in question with the address provided. Two options once at location:
 - No noise
 - Will double check address
 - Enters case into tracking system and notes “no action”
 - Notes commercial or residential, document meter reading
 - Will follow up with complainant if contact information is provided by them
 - Noise
 - Code Officers will have noise meters assigned to them and will be trained on how to use them this week
 - Will be trained on where to take the reading from
 - Per ordinance, it must be right off property line of the alleged violator
 - If exceeds noise levels, based on whether it is a residential or commercial property and time of day, officer takes photo of reading and documents in tracing system
 - Will refer case to SAPD dispatch to have a police officer follow-up with action
 - It is SAPD that will need to issue the citation (Class C misdemeanor)
- We will not be asking Code Officers to investigate inside bars, walking into property. Everything will be assessed from the property line.
- Steve Versteeg – When you say “from property line,” you are saying sidewalk. They are not going to the back or side of property.
- Jenny Ramirez – The way ordinance reads is that it is not necessary to be bordering a property. It is necessary to be at the property line and sidewalk is the most accessible.
- Michael Shannon – Let me clarify. We will have to figure out if we go to establishment and the outdoor music band area is on the rear of the establishment, abutting a residential, we should be taking the measurements from there. That is the issue. Savita and Jenny please take a look at this.
 - I need to state that we will be enforcing the ordinance as it is today for the pilot program.
 - The property line measurement is the four corners of the property line, correct?

- Savita – We discussed and decided on the sidewalk because access will not be based off a warrant.
 - Sidewalk is on public right-of-way and will avoid warrant issue
- Michael Shannon – correct. We may need some help from SAPD on certain locations.
 - If noise level is not over limit at sidewalk, we know is louder at the back
 - Pilot program will help us determine and understand – how do we get the most appropriate reading in accordance with the books and appropriate procedures
 - Let's look at this before start of pilot program on Oct. 7
- Dawn Larios – when talking about residential location, let's make sure we mean the main structure
 - A lot of homes have add on structures on back yard
- Steve Versteeg – I am not sure about reference to structures because ordinance only refers to property lines
- Dawn Larios – scenario I am thinking about is similar to what we find in downtown
 - Home with an accessory structure near the fence line, abutting to an establishment with outdoor music
- Jenny Ramirez – the way we looked at it is similar to light pollution. If the noise is leaving the imaginary property line, that is when the violation occurs. Property line is what we are looking for.
- Michael Shannon – code today says measure at property line
 - In your scenario, the decibel level would have to be under 70 at the property line
 - Pilot is to properly enforce what is on the books today
 - There will be some issues we will need to work through as the program starts
 - We will follow legal and safety protocols
- Savita Rai – if you are standing at residential property abutting a commercial business, by law commercial property is allowed to be at 70
 - Noise doesn't drop to 63 when hitting an adjoining residential property
- Steve Versteeg – can person with noise meter come into my back yard and measure?
- Michael Shannon – What I will be telling my team is if there is a non-anonymous call, officer attempts to call person. If the property owner allows access to their property and Code Officer is comfortable with that, they can do the reading from the back yard. That would be an acceptable reading if they get to the property line. That is part of what we will work through.
 - Will report to see if that is best location of where to measure
 - Will check with attorneys
- Anyssa Schell – please ensure all code officers are aware of that situation? That they can go into backyards for meter reading (with permission of owner)
 - Also clarify that measure should be taken at property line of violator
- Michael Shannon - If they don't have that permission, measure should be taken from the property line of the alleged violator.
 - If not access is granted, then we may report back that an accurate reading was not possible
- Gemma Kennedy – get feedback from code as to issues and what is working well

- Michael Shannon – great comment. Will be reporting what we have learned and will definitely track that
- Rene Zamora – did the noise ordinance change recently?
 - 70 decibels measured from property line from a different ownership
- Jenny Ramirez – Ordinance has not changed. Looking where noise is emanating from
 - Want a consistent approach
- Michael Shannon – questions asked where:
 - Has ordinance change?
 - Read out section of code where it says 70 decibels from property line with different ownership
 - Idea is it is between property line of alleged violator and complainant. That is where we will be trying to get to.
- Jenny Ramirez – looking at where noise is emanating from
 - Corner lot – looking at the alley to take measurement
 - Mid-block – would be harder to take
 - that will be one of the main roles of supervisor, to provide that consistency
 - that is our goal. The whole purpose is to test ordinance as it stands now. Does it work or not? Is it balanced?
- John Doski – Current ordinance includes emanating vibrations
 - is there any provision to consider vibration for pilot program?
- Michael Shannon – vibration issue is on the code right now
 - Likely begin to focus on noise levels and decibels
 - If get call and it's on vibration, we will see what we can do with that
 - Nothing off the table
- Jenny Ramirez – want staff to be on same level for noise calls regarding decibel readings
 - Learning curve to understand, enforce, write a report and attest to
 - Will be main bulk of work
 - May not be able to prove the case on that evening, but will follow up and make sure we are covering bases
- Colleen Waguespack – how long will officer spend on a location?
 - Sometimes no violation with doors closed, but noise can exceed noise levels when doors are open
- Jenny Ramirez – no set time for officers to be onsite
 - Data entry will occur on site of call (maybe 15-20 min.) This is all anecdotal until we begin with the pilot program
 - Time will improve as pilot program begins
 - Follow up – if code officer can be dispatched again to same location, it is not a problem
- Michael Shannon – looking at SAPD data, there were 50,000 calls in 18 months span.
 - We have been given the opportunity to have six code officers covering the entire city, three nights a week.
 - We want to get them moving, see how many we can address.
 - want to hit the ones with most calls or complaints – prioritize this

- Will report on number of calls a night, locations, average time at location, etc.
- Gemma Kennedy – are we letting neighborhoods know that we are doing pilot program?
- Michael Shannon – yes, through newsletter and nextdoor
 - There will be specific message for start of pilot program and direct them to website
- Anyssa – include council offices in communications
- John Doski – will call SAPD non-emergency number, any change to process?
- Jenny Ramirez – no change to the process, just deferring calls to our team during the given hours
- **Captain** Smith SAPD – is this being coordinated with Chiefs office? Anticipation that code officer may sit on location for a couple of hours because of low priority given to noise calls by SAPD
- Jenny Ramirez – Code will not wait on location for SAPD officer if citation needed. All information will be referred to dispatch. Dispatch will then send out a police officer.
 - This will enable code officers to continue addressing noise calls
- **Captain** Smith SAPD – but if police officer goes to location, and it is closed, there is no one to write the citation to.
- Savita Rai – police officer can write citation to whomever was in care custody at that time
 - SAPD will have a witness in the code officer
- **Captain** Smith SAPD – will require follow up and patrol officers are not set up for following up on work done previous day; need to ensure this is clarified
- Michael Shannon – we know there will be some challenges
 - If police officer comes following day to write a citation, that will be new to business owners and a challenge.
 - But violation did occur, and city will have evidence and will proceed with appropriate action
 - New and a way to enforce ordinance. We will see if it works.
 - Will show if many calls for no violations
 - Let's check the data and go from there.
- Steve Versteeg – noise levels is not the only way to be a violator in current ordinance
- Michael Shannon – there are others such as vibration, and other language regarding enjoyment of one's property
 - We will see if there are any issues that will need to be addressed
- Dawn Larios – if resident calls on my restaurant, code enforcement officer confirms reading is not a violation, if caller has called 5 times, how long will it take to get to location
- Jenny Ramirez – Yes, they can show up on same night. Responses will be based on call que.
- Michael Shannon – we will be monitoring for repeat callers to a location
 - Will be documented
 - Will be reporting back and assessing
- Steve Versteeg – will also need to keep in mind levels allowed change depending on time
- David Uhler – complaints from residents to establishment is one thing.
 - What about calls coming from other people living blocks away, in support of the main caller?
- Jenny Ramirez – by ordinance, measure is off the property line of alleged violator

- If meter does not reflect issue, then no violation
- David Uhler – can a heat map be created of locations where complaints are being generated from?
- Michael Shannon – Savita, the code doesn't say take measurement from the complainants property correct?
- Savita Rai – correct. It just says to take measurement from an adjoining property line that is not under same ownership.
- Gemma Kennedy – two things:
 - When send information, don't want people to get wrong information regarding decrease of response time
 - Number of studies saying noise travels differently and many things affect noise levels
- Christina Hill – conversation centered on residential calling on commercial
 - Many calls are on residential
 - Will code officers respond to calls regarding residential?
- Michael Shannon - Yes if they can respond to it safely
 - There are some instances where it is not safe or smart to respond without a peace officer present
 - Will need to assess
 - Could slow us down and will need to coordinate with peace officer
 - Code officers are trained to be aware of all of their surroundings
- Rene Zamora – how to deal with repeat callers living a block or so away, when business is abutted by vacant lot and warehouse?
- Jenny Ramirez – we can meet offline regarding your situation
- Dawn Larios – is it a 3-month program?
- Patricia Duarte - My question is will Code Officers be trained on how to measure noise vibration during the 3-month pilot project or afterwards?
 - Jenny Ramirez – will be trained on all of the ordinance, which vibration is part of.
- Michael Shannon – We will do some research on vibration and talk about at next meeting. Other comments I want to add:
 - Enforcement of the noise ordinance will still be 7 days a week, just that 3 days of the week it will be handled differently
 - Process will remain same for reporting violations
 - We will capture results of the weekend and present results to this group as part of agenda moving forward:
 - What calls came
 - Results of calls
 - Total calls
 - Lessons learned
 - Anything else we should be tracking?
- Dawn Larios – Courage suggested 6 months and group voted to extend to 6-month last meeting. Why is it 3 months?

- Michael Shannon – budget process would have needed to add an additional \$75,000 to budget. Amendment to proposed budget did not pass.
- Dawn Larios – This is concerning to me. It was something we voted in favor as a group. I still feel all 10 city council districts should be included in these meetings.
 - When will information on pilot program be send out to all council districts?
 - Michael Shannon - Friday Oct. 1 or Monday at latest
- Michael Shannon – we can reach out after 3 months to council districts that don't have an appointee and ask if they want to have some residents to attend the meetings. I don't think we have the time to go in front of a committee and get changes to the task force makeup.
- Mike Uresti – Steve Versteeg asked on an abatement team we used to have within code enforcement, comprised of certified peace officers, that addressed noise violations
 - Realignment around 15 years ago for all certified police officers to be under SAPD
 - This shift caused noise ordinance to be relocated to SAPD
- Sam Aguirre – important it is understood within SAPD that they still have concurrent enforcement authority for this ordinance
 - Don't want situation where PD feels they don't have to focus on noise
 - It is a health and safety issue for residents
 - Should be kept as a priority of SAPD
- Michael Shannon – as we provide recommendations to city leadership, priority of noise calls should be part of that discussion
- Mike Uresti – remind all that subcommittees will be created to reach a consensus on contentious items where no agreement is reached
- Michael Shannon – we still good with a meeting every 3 weeks or should we get back to every two-week schedule, given pilot program is three months?
 - Three weeks agreed to by task force members
 - We can jump into a theme and see if reach a consensus
 - We may modify calendar due to holidays
 - Will put a tentative schedule together
- Michael Shannon – any question by task force members on anything?
 - No task members had questions
- Michael Shannon – any non-task force members have questions or comments?
- Rene Zamora – Two questions:
 - Will code enforcement understand noise levels increase due to ambient noise, such as vehicle passing by?
 - compliance when door opens and allows noise to travel
- Michael Shannon – yes (to first question)
 - ordinance covers that. Believe noise levels must be sustained for a given period of time.
 - We will verify that and report back
- Michael Shannon - Action items for next meeting:
 - Provide schedule for upcoming meetings
 - Research on vibrations
 - Kick off pilot program as directed by city manager and council

- Track results weekly to have items addressed
 - Communication to stakeholders regarding pilot program by Friday, Oct. 1
 - Send to council offices
 - Send to task force members
 - Next meeting in 3 weeks
- Michael Uresti – meeting adjourned at 3:40 p.m.